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CUSTOMER NO. 22186

IAN 3 DAE
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Carr 8-4-5

In re application of: Dustin W. Carr, Ho Bun Chan, and Alex T. Tran

Serial No.: 10/743,253

Group No.: 2874

Filed: 12/22/2003

Examiner: Not Yet Assigned

Matter No.: 990.0502

For: Optical Substance Analyzer

PETITION UNDER 37 CFR 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Petition is filed with the Response to the Notice to File Missing Parts of Nonprovisional Application to make the above-identified application without an executed declaration from co-inventor Dustin W. Carr, who is not cooperative. We have made a bona fide attempt to comply with the provisions of § 1.47(a) at the time the oath or declaration is submitted herein. Accompanying this Petition is the fee set forth in 37 CFR 1.17(h).

- (1) We have provided all inventors with copies of the application as filed on December 22, 2003. We have obtained executed declarations from inventors Ho Bun Chan and Alex T. Tran.
- (2) A Combined Declaration and Power of Attorney form, similar to the one filed herewith, was forwarded by email attachment to Dustin W. Carr's work email address, by facsimile to Dustin W. Carr's work facsimile, and by Express Mail to Dustin W. Carr's work address, all of which containing instructions for him to sign and date the form and return it to our firm for filing.
- (3) Voice messages requesting the executed documents were left by Amy Laudenslager for Dustin W. Carr (505-845-8507) on January 21, 2004, March 19, and March 23, 2004, and for Dustin W. Carr's secretary Anna Garcia (505-844-2150) on April 20, and May 10, 2004. Amy Laudenslager spoke with Anna Garcia on May 7, and May 11, 2004 requesting same.

*

*

*

*

*

Certification Under 37 CFR 1.8

Date of Deposit May 24, 2004

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Amy Laudenslager
(Name of person mailing)

Amy Laudenslager
(Signature of person mailing)

05/28/2004 BXNDRAF1 00000006 10743253

05 FC:1460

130.00 0P

- (4) We have attempted to obtain an executed Combined Declaration and Power of Attorney from Dustin W. Carr, who has failed to respond to all correspondence, including email, facsimile, telephone voice messages, and Express Mail requesting same.

Including attachments:

- (A) Employee contact information for Dustin W. Carr from the Sandia National Laboratories website www.sandia.gov;
 - (B) Email dated December 17, 2004 from Dustin W. Carr to Amy Laudenslager;
 - (C) Email dated December 18, 2004 from Amy Laudenslager to Ho Bun Chan, Dustin W. Carr, and Alex T. Tran, with email confirmation of delivery to Dustin W. Carr;
 - (D) Email dated January 19, 2004 from Amy Laudenslager to Ho Bun Chan and Dustin W. Carr, with email confirmation of delivery to Dustin W. Carr;
 - (E) Email dated January 21, 2004 from Amy Laudenslager to Dustin W. Carr;
 - (F) Email dated March 19, 2004 from Amy Laudenslager to Dustin W. Carr, with email confirmation of delivery, and Fax cover with fax confirmation of same which was faxed on March 19, 2004 from Amy Laudenslager to Dustin W. Carr;
 - (G) Email dated April 20, 2004 from Amy Laudenslager to Dustin W. Carr, with email confirmation of delivery; and
 - (H) Letter dated May 11, 2004 sent via Express Mail from Yuri Gruzdkov to Dustin W. Carr, copy of Express Mail label and post office receipt corresponding to May 11, 2004 letter, and Track & Confirm details for the Express Mail letter dated May 11, 2004 from the United States Postal Service website.
- (5) The last known work contact information of the nonsigning joint inventor Dustin W. Carr is: Sandia National Laboratories, P.O. Box 5800, Albuquerque, New Mexico 87185-(1080), phone number 505-844-2991, email address DWCARR@sandia.gov (see attachment A).
- (6) The last known home address of the nonsigning joint inventor Dustin W. Carr is: 5108 Rose Quartz Ave. NW, Albuquerque, Bernadillo County, New Mexico 87114 (see attachment B).

The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR §§ 1.16 and 1.17 which are associated with this communication or credit any overpayment to Deposit Account No. 50-0782 in the name of Mendelsohn & Associates, P.C.

Respectfully submitted,



Date: 5/24/04
Customer No. 22186
Mendelsohn & Associates, P.C.
1515 Market Street, Suite 715
Philadelphia, Pennsylvania 19102

Yuri Gruzdkov
Registration No. 50,762
Agent for Applicant
(215) 557-8544 (phone)
(215) 557-8477 (fax)

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Your query returned 1 name

Name	Phone	Email	Fax	Mailstop
CARR, DUSTIN W.	(505) 845-8507	DWCARR	(505) 844-2991	1080

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Albuquerque, NM 87123

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Community and public affairs

New Mexico

Community Involvement and Issues
Management
Ginni Edmund
(505) 284-5200
Mail Stop 1313

Media Relations
Iris Aboytes
(505) 844-8066
Mail Stop 0165

[Top of page](#)

California

Media Relations
Mike Janes
(925) 294-2447
Mail Stop 9111

Amy Laudenslager

From: Carr, Dustin W [dwcarr@sandia.gov]
Sent: Wednesday, December 17, 2003 11:42 AM
To: 'Amy Laudenslager'
Subject: RE: URGENT RESPONSE REQUESTED FW: RE: Information Request for New Lucent Patent Application

Dear Amy,

My current address is
5108 Rose Quartz Ave. NW
Albuquerque, Bernalillo County, NM 87114
U.S. Citizen

Dustin

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Wednesday, December 17, 2003 8:44 AM
To: Dustin Carr
Subject: URGENT RESPONSE REQUESTED FW: RE: Information Request for New Lucent Patent Application

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Wednesday, December 10, 2003 3:31 PM
To: Dustin Carr (DWCARR@sandia.gov)
Subject: URGENT RESPONSE REQUESTED FW: RE: Information Request for New Lucent Patent Application
Importance: High

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Monday, November 17, 2003 3:01 PM
To: Dustin Carr (DWCARR@sandia.gov)
Subject: RE: Information Request for New Lucent Patent Application
Importance: High

Title: Optical Substance Analyzer
Lucent Case Name: Carr 8-4-5
Our Ref.: 990.0502

Dear Mr. Carr:

Pursuant to Mr. Ho bun Chan, we understand that you have contributed to the above-referenced Lucent patent application. When we file this application, we will need the following information for the formal papers:

1. Your current home address (including county); and
2. Your citizenship.

Thank you in advance for your attention to this matter. Please contact us if you have questions related to

5/19/2004

this message.
Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *

Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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5/19/2004

Amy Laudenslager

From: Amy Laudenslager [amy@mendelip.com]
Sent: Thursday, December 18, 2003 3:04 PM
To: Ho Bun Chan (hochan@phys.ufl.edu); Dustin Carr (DWCARR@sandia.gov); Alex Tran (atran@yahoo.com)
Subject: RE: Paperwork for New Lucent filing for Carr 8-4-5 (990.0502)
Importance: High

Dear Ho Bun:

Yuri Gruzdkov has asked me to let you all know that the application has been approved for filing by the managing attorney Eugene Rosenthal. As such, I am attaching the declaration and assignment forms for your execution at this time. Please note that the assignment needs to be executed in the presence of a notary public. Please return the executed forms to me by fax (215-557-8477) with the originals by mail for filing with the PTO. Also attached is a copy of the application and drawings that will be filed.

If an address needs to be updated, please change the information on the forms with the respective inventor's initials next to the changes.

Please note that Yuri will be out of the office from Dec. 23 to Jan. 2. So, if possible, we would like to file this application on Friday (tomorrow).

Please let me know if you have any questions.
Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *

Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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5/21/2004

Amy Laudenslager

From: System Administrator [postmaster@sandia.gov]
Sent: Thursday, December 18, 2003 3:05 PM
To: amy@mendelip.com
Subject: Delivered: RE: Paperwork for New Lucent filing for Carr 8-4-5 (9 90.0502)

Importance: High



Paperwork for
New Lucent fil...

<<RE: Paperwork for New Lucent filing for Carr 8-4-5 (990.0502)>> Your
message

To: Ho Bun Chan (hochan@phys.ufl.edu); Dustin Carr; Alex Tran
Subject: RE: Paperwork for New Lucent filing for Carr 8-4-5 (990.0502)
Sent: Thu, 18 Dec 2003 13:03:59 -0700

was delivered to the following recipient(s):

Carr, Dustin W on Thu, 18 Dec 2003 12:05:07 -0700
MSEXCH:MSExchangeMTA:SEEMS:ES10SNLNT

Amy Laudenslager

From: Amy Laudenslager [amy@mendelip.com]
Sent: Monday, January 19, 2004 11:58 AM
To: 'Ho Bun Chan'; Dustin Carr (DWCARR@sandia.gov)
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)

Importance: High



Declaration (Carr
8-4-5) 990.0...



Assignment (Carr
8-4-5) 990.05...



990.0502 [D] US
Drawings.pdf (...)



990_0502 text v05
A4.doc (65 K...

Dear Mr. Chan:

The above-referenced application was filed on 12/22/03 without paperwork. As such, pursuant to our telephone discussion of today, I am attaching the Declaration and Assignment forms for you to sign, date and return to our office via fax (215-557-8477) with the originals by mail. Please note that the Assignment must be executed in the presence of a notary.

Please let me know (phone: 215-557-6656) if you have any questions.

I am also copying Mr. Carr on this message, as we need the same from him as well.

Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *
Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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Amy Laudenslager

From: System Administrator [postmaster@sandia.gov]
Sent: Monday, January 19, 2004 11:59 AM
To: amy@mendelip.com
Subject: Delivered: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)

Importance: High



Paperwork for
Lucent Applicat...

<<URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)>>

Your message

To: 'Ho Bun Chan'; Dustin Carr
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)
Sent: Mon, 19 Jan 2004 09:58:17 -0700

was delivered to the following recipient(s):

Carr, Dustin W on Mon, 19 Jan 2004 08:59:11 -0700
MSEXCH:MSEExchangeMTA:SEEMS:ES10SNLNT

Amy Laudenslager

From: Amy Laudenslager [amy@mendelip.com]
Sent: Wednesday, January 21, 2004 3:48 PM
To: Dustin Carr (DWCARR@sandia.gov)
Subject: FW: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)



Declaration (Carr 8-4-5) 990.0... Assignment (Carr 8-4-5) 990.05... 990.0502 [D] US 990_0502 text v05 Drawings.pdf (... A4.doc (65 K...

Dear Mr. Carr:

Pursuant to my voice message of today, this is just a friendly reminder regarding the executed paperwork for this case. Your attention to this matter is most appreciated.

We have only received executed paperwork from Mr. Tran at this time.

Please let me know if you have any questions.

Thank you,
Amy

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Monday, January 19, 2004 11:58 AM
To: 'Ho Bun Chan'; Dustin Carr (DWCARR@sandia.gov)
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)
Importance: High

Dear Mr. Chan:

The above-referenced application was filed on 12/22/03 without paperwork. As such, pursuant to our telephone discussion of today, I am attaching the Declaration and Assignment forms for you to sign, date and return to our office via fax (215-557-8477) with the originals by mail. Please note that the Assignment must be executed in the presence of a notary.

Please let me know (phone: 215-557-6656) if you have any questions.

I am also copying Mr. Carr on this message, as we need the same matters from him as well.

Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *

Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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Amy Laudenslager

From: Amy Laudenslager [amy@mendelip.com]
Sent: Friday, March 19, 2004 12:23 PM
To: Dustin Carr (DWCARR@sandia.gov)
Cc: Ho Bun Chan (hochan@phys.ufl.edu)
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)

Importance: High



Declaration (Carr
8-4-5) 990.0...



Assignment (Carr
8-4-5) 990.05...



990.0502 [D] US
Drawings.pdf (...)

Dear Mr. Carr:

Pursuant to my message below, we are still waiting for your paperwork for this matter. We have received paperwork from the other inventors. Please contact me immediately (215-557-6656) if you have any questions or comments related to this matter.

In any case, please confirm receipt of this message via return email. Your prompt attention to this matter would be most appreciated.

Thank you,
Amy Laudenslager

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Wednesday, January 21, 2004 3:48 PM
To: Dustin Carr (DWCARR@sandia.gov)
Subject: FW: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)

Dear Mr. Carr:

Pursuant to my voice message of today, this is just a friendly reminder regarding the executed paperwork for this case. Your attention to this matter is most appreciated.

We have only received executed paperwork from Mr. Tran at this time.

Please let me know if you have any questions.

Thank you,
Amy

-----Original Message-----

From: Amy Laudenslager [mailto:amy@mendelip.com]
Sent: Monday, January 19, 2004 11:58 AM
To: 'Ho Bun Chan'; Dustin Carr (DWCARR@sandia.gov)
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)
Importance: High

Dear Mr. Chan:

The above-referenced application was filed on 12/22/03 without paperwork. As such, pursuant to our telephone discussion of today, I am attaching the Declaration and Assignment forms for you to sign, date and return to our office via fax (215-557-8477) with the originals by mail. Please note that the Assignment must be executed in the presence of a notary.

Please let me know (phone: 215-557-6656) if you have any questions.

I am also copying Mr. Carr on this message, as we need the same matters from him as well.

Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *

Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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Amy Laudenslager

From: System Administrator [postmaster@sandia.gov]
Sent: Friday, March 19, 2004 12:24 PM
To: amy@mendelip.com
Subject: Delivered: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)

Importance: High



Paperwork for
Lucent Applicat...

<<URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)>>

Your message

To: Dustin Carr
Cc: Ho Bun Chan (hochan@phys.ufl.edu)
Subject: URGENT: RE: Paperwork for Lucent Application for Carr 8-4-5 (990.0502)
Sent: Fri, 19 Mar 2004 10:22:39 -0700

was delivered to the following recipient(s):

Carr, Dustin W on Fri, 19 Mar 2004 10:23:35 -0700
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FAX COVER SHEET

March 19, 2004

IMPORTANT

Page 1 of 3

FROM: Amy Laudenslager amy@mendelip.com 	TO: Mr. Dustin Carr
COMPANY NAME: Mendelsohn & Associates, P.C.	COMPANY NAME: U.S. Patent and Trademark Office
PHONE NUMBER: 215-557-6656	PHONE NUMBER: 505-845-8507
FAX NUMBER: 215-557-8477	FAX NUMBER: 505-844-2991
Ref. No.: Carr 8-4-5 Matter No.: : 990.0502	RE: Request for Executed Paperwork for

MESSAGE

Dear Mr. Carr:

I have attached my email of today, as I have not yet received a response for the above-referenced matter. If you would, kindly execute the paperwork that I attached to the email of today as indicated in the 01/19/04 message. Please let me know if you need me to fax/mail the papers to you.

Please contact me with any questions. Your attention to this matter would be most appreciated.

Sincerely,
Amy Laudenslager

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The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone. Thank you.

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**FAX COVER SHEET**

March 19, 2004

IMPORTANT

Page 1 of 3

FROM: Amy Laudenslager amy@mendelip.com COMPANY NAME: Mendelsohn & Associates, P.C. PHONE NUMBER: 215-557-6656 FAX NUMBER: 215-557-8477	TO: Mr. Dustin Carr COMPANY NAME: U.S. Patent and Trademark Office PHONE NUMBER: 505-845-8507 FAX NUMBER: 505-844-2991
Ref. No.: Carr 8-4-5 Matter No.: : 990.0502	RE: Request for Executed Paperwork for

MESSAGE

Dear Mr. Carr:

I have attached my email of today, as I have not yet received a response for the above-referenced matter. If you would, kindly execute the paperwork that I attached to the email of today as indicated in the 01/19/04 message. Please let me know if you need me to fax/mail the papers to you.

Please contact me with any questions. Your attention to this matter would be most appreciated.

Amy Laudenslager

From: Amy Laudenslager [amy@mendelip.com]
Sent: Tuesday, April 20, 2004 11:28 AM
To: 'Carr, Dustin W'
Subject: RE: URGENT RESPONSE REQUESTED - Carr 8-4-5 (990.0502)
Importance: High

Dear Mr. Carr:

Pursuant to my message with your secretary of today, I am attaching the declaration and assignment forms for this matter for you to sign, date and return to our office via fax (215-557-8477) with the originals by mail. Please note that the Assignment must be executed in the presence of a notary.

We just received a notice from the U.S. Patent and Trademark Office (USPTO) for this matter. The executed paperwork must be filed with the USPTO by the deadline of **06/05/2004**.

Please contact me if you have any questions or comments (215-557-6656). **In any case, please acknowledge receipt of this message via return email.**

Thank you in advance for your attention to this matter.

Sincerely,
Amy Laudenslager
Legal Assistant

* * * * *

Mendelsohn & Associates, P.C.
1515 Market Street
Suite 715
Philadelphia, PA 19102
Phone: 215-557-6656
Fax: 215-557-8477
Email: amy@mendelip.com

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-----Original Message-----

From: Carr, Dustin W [mailto:dwcarr@sandia.gov]
Sent: Wednesday, December 17, 2003 11:42 AM
To: 'Amy Laudenslager'
Subject: RE: URGENT RESPONSE REQUESTED FW: RE: Information Request for New Lucent Patent Application

Dear Amy,

My current address is
5108 Rose Quartz Ave. NW
Albuquerque, Bernalillo County, NM 87114
U.S. Citizen

4/20/2004

Amy Laudenslager

From: System Administrator [postmaster@sandia.gov]
Sent: Tuesday, April 20, 2004 11:28 AM
To: amy@mendelip.com
Subject: Delivered: RE: URGENT RESPONSE REQUESTED - Carr 8-4-5 (990.0502)
Importance: High



URGENT
ONSE REQUESTED

<<RE: URGENT RESPONSE REQUESTED - Carr 8-4-5 (990.0502)>> Your message

To: 'Carr, Dustin W'
Subject: RE: URGENT RESPONSE REQUESTED - Carr 8-4-5 (990.0502)
Sent: Tue, 20 Apr 2004 10:27:52 -0600

was delivered to the following recipient(s):

Carr, Dustin W on Tue, 20 Apr 2004 10:28:24 -0600
MSEXCH:MSExchangeMTA:SEEMS:ES10SNLNT

MENDELSON & ASSOCIATES, P.C.
INTELLECTUAL PROPERTY LAW

YURI GRUZDKOV, Ph.D.
DIRECT: (215) 557-8544
E-MAIL: yuri@mendelip.com

SUITE 715
1515 MARKET STREET
PHILADELPHIA, PA 19102

TELEPHONE (215) 557-6656
FACSIMILE (215) 557-8477

May 11, 2004

EXPRESS MAIL**EV140153095US**

Dustin W. Carr
Sandia National Laboratories, New Mexico
Mail Stop 1080
P.O. Box 5800
Albuquerque, NM 87185-(1080)

RE: U.S. Patent Application entitled "Optical Substance Analyzer"
Serial No.: 10/743,253 Filed: 12/22/2003
Case Name: Carr 8-4-5 IDS No.: 125896
Our Reference No.: 990.0502

Dear Mr. Carr:

On 12/22/2003, we filed the above-referenced patent application with the U.S. Patent and Trademark Office (PTO). In order to satisfy Lucent's filing schedule, this application was filed without executed declaration and assignment forms.

As such, I am enclosing the declaration and assignment forms for your execution. These are the same forms forwarded to you several times by email. Please note that the assignment needs to be executed in the presence of a notary public. Please fax the executed forms to 215-557-8477 with the originals by mail for filing with the PTO by May 17, 2004.

Our office has made several attempts to reach you by email, fax, and by leaving telephone voice messages with you and your secretary for this matter. If we do not hear from you or receive your executed paperwork on or before May 17, 2004, we will assume that you refuse to join in on the application and will proceed to file the necessary documents with the U.S. Patent and Trademark Office in accordance with 37 CFR 1.47(a), a copy of which is enclosed herewith for your information.

Please let me know if you have any questions regarding any of these procedures.

Very truly yours,



Yuri Gruzdkov
For MENDELSON & ASSOCIATES, P.C.

YAG:al
Enclosures



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PHILADELPHIA, Pennsylvania
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05/11/2004 (800)275-8777 03:46:29 PM

Product Description	Sales Qty	Receipt Unit	Final Price
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ALBUQUERQUE NM 87185
Express Mail PO-ADD Flat
\$13.65

Kate
Grand - 1 North - EV/1/001

Serial Number EV14015309505

Next Day NOON Delivery

Customer Postage

Subtotal:

Total: \$0.00

Paid by:

B111#: 1000701154675

Clerk: 10

— All sales final on stamps and postage. —
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy



Track & Confirm

Shipment Details

You entered EV14 0153 095U S

Your item was delivered at 9:20 am on May 12, 2004 in ALBUQUERQUE, NM 87185. The item was signed for by A ADA.

Here is what happened earlier:

- NOTICE LEFT, May 12, 2004, 8:53 am, ALBUQUERQUE, NM 87185
- ENROUTE, May 12, 2004, 7:16 am, ALBUQUERQUE, NM 87119
- ARRIVAL AT UNIT, May 12, 2004, 5:58 am, ALBUQUERQUE, NM 87119
- ENROUTE, May 11, 2004, 7:25 pm, PHILADELPHIA, PA 19153
- ACCEPTANCE, May 11, 2004, 3:45 pm, PHILADELPHIA, PA 19102

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